Christine Jines Corporate Manager -Federal Regulatory





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November 29, 1995

RECEIVED

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Ex Parte

William Caton Secretary Federal Communications Commission 1919 M Street, N.W., Room 222 Washington, D.C. 20554

Re:

CC Docket Nos. 91-141 and 94-97/Phase II

Dear Mr. Caton:

SWBT, in accordance with Section 1.1206(a)(1) of the Commission's Rules, respectfully submits this written ex parte letter in response to an October 18, 1995 MFS ex parte letter. An original and two copies of this ex parte submission are provided.

Please call me if you have any questions.

Sincerely,

Christine lines

CC: Regina Keeney

James Schlichting

Geraldine Matise

David Sieradzki

Carol Canteen

Richard Kwiatkowski

No. of Copies rec'd OJZ List ABCDE November 20, 1995

Mr. Bob McCausland
Senior Director-Collocation/Unbundled Loop
MFS Communications Company, Inc.
999 Oakmont Plaza Dr., Ste. 400
Westmont, IL 60559-5516

Dear Bob:

Thank you for your payment of the remaining 50% of the estimated nonrecurring charges for the central offices referenced in your letters dated October 16, 1995 and October 20, 1995.

I feel I need to respond to the inaccuracies stated in your letters dated October 16, 1995 and October 20, 1995.

In MFS' October 16, 1995 letter, MFS lists six offices where SVBT allegedly refused to process MFS' orders until payment of the remaining 50% of the estimated nonrecurring charges were received. MFS' allegations are erroneous.

First, as you must know, for only one of the six offices you listed did SWBT require payment, in accordance in your letter with its tariff, from MFS for the remaining 50% of the estimated nonrecurring charges prior to completion of the order for virtual collocation cross connect. SWBT billed these amounts on the bills which should have been received by MFS within 7-10 days, prior to your October 16, 1995 letter. The other five offices listed in your letter have been in operation and in use by MFS since at least July 14, 1995, the date on which all physical collocation arrangements were to be terminated due to the expiration of that tariff. As you must recall, SWBT did not ask MFS for up-front payment of these nonrecurring charges prior to transitioning any of these five offices to virtual collocation arrangements. Nonetheless, although these five virtual collocation arrangements have been in use for over three months, MFS still complains about having to pay even these remaining nonrecurring charges SWBT incurred as a result of implementing MFS' orders.

Secondly, SWBT's payment requirement for the remaining 50% of the nonrecurring charges prior to completion of any cross connect is as required by its Tariff FCC No. 73, at Paragraph 25.5.2(A) (Tariff page is attached).

One Bell Plaza Room 2802 Dallas, Texas 75202 Please direct any questions to me at 214 464-5496.

Sincerely,

Laura K. Boone

Manager-Intexch.Cust.Svc.Ctr.

Attachments

cc: Tom Bush - MFS

Dick Davis - MFS

Chris Malinowski - MFS

Pam Hawkins - MFS Mark Eastman - MFS

ACCESS SERVICE

25. Expanded Interconnection (Cont'd)

25.5 Rate Regulations for Virtual Collocation (Cont'd)

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25.5.2 Nonrecurring Charges

Nonrecurring charges are one-time charges that apply for specific work activity (i.e., installation or change to an existing arrangement). The nonrecurring charges that apply for Expanded Interconnection are as follows:

(A) Nonrecurring Charges for Installation

Fifty percent of the quotation of the nonrecurring charges, applicable to the Expanded Interconnection request, must be paid by the Interconnector prior to the start of installation. The remaining fifty percent is due upon completion of the Expanded Interconnection request. The Telephone Company will not complete any orders for interconnection cross connects until the Telephone Company is in receipt of the remaining fifty percent of the nonrecurring charges for installation.

If Expanded Interconnection is discontinued after installation is completed, but prior to payment of the remaining fifty percent of the nonrecurring charges for installation, the non-recoverable costs less estimated net salvage must be paid by the interconnector. Non-recoverable costs include the non-recoverable cost of equipment and material ordered, provided or used, plus the non-recoverable cost of installation and removal including the costs of equipment and material ordered, provided or used, labor, transportation and other associated costs.

These nonrecurring charges apply to the installation of virtual collocation rate elements as follows:

(1) Cable Vault Splice

For each junction between the interconnectorprovided fiber optic cable and the riser tail, the nonrecurring charge applies per fiber spliced.

Certain material and revised material appearing on this page previously appeared on 8th Revised Page 25-24.

Certain material previously appearing on this page now appears on 7th Revised Page 25-20.1.

Reissued material becomes effective December 15, 1994.

(D)

(D)

Revised material is issued on not less than 9 days' notice under authority of Special Permission No. 94-1415 of the F.C.C.

This filing is made, under protest, in compliance with the Memorandum Opinion and Order of the F.C.C. released July 25, 1994 in CC Docket 91-141.

(This page filed under Transmittal No. 2407)

Issued: December 6, 1994

Effective: December 15, 1994



POBERT W. MICHISLAND, SENIOR DIRECTOR: COLLOCATION/UNBUNDLED LOOPS 700 DAKMONT MLAZA DRIVE SUITE 400 WESTMONT MLAYOIS 00550-8546 TELEPHONE, (TOR) 203-2005 PAX (TOR) 203-2525

October 16, 1995

VIA OVERNIGHT DELIVERY

Ms. Laura Boone - Dallas ICSC Southwestern Bell Telephone One Bell Plaza, Room 2800 Dallas, TX 75202

Re: Urgently-Needed Network Interconnection

Dear Laura:

It has been brought to my attention that Southwestern Bell has refused to process a number of MFS service orders for collocation circuits until it receives from MFS the total payment for newly-expanded collocation arrangements, even though, to date, Southwestern Bell has not even issued bills for many of those CO arrangements, and even though Southwestern Bell routinely provides services to its customers prior to the completion of its own billing cycles and the subsequent submission by its customers of their payments. As discussed with Hope Harbeck of your company on Friday, October 13, and as addressed below, MFS is having to send to Southwestern Bell, in advance of its receipt of many of the SWB bills, checks covering what we believe to be the remaining balances for those arrangements that we so urgently need.

MFS feels that the Southwestern Bell practice of requiring its competitors to, in all instances, submit total payment prior to establishing connections to SWB's ubiquitous LEC network demonstrates yet another highly anti-competitive practice purposely and unjustifiably imposed by your company on all of its competitors. Because of the urgency of our need and our inability to obtain such interconnection from any other provider (since none exists), MFS submits the following amounts, even though we have not even received all of the bills:

CENTRAL OFFICE	ACCOUNT NUMBER	AMOUNT OF CHECK	CHECK NUMBER
STLSMO21	110 002-5002	\$ 41,933.81	301032
DLLSTXRE	518 902-1013	\$111,342.30	10801040
DLLSTXRN	510 002-1010	\$ 42,329.76	10801041
DLLSTXFB	510 002-1012	\$ 42,329.76	10801042
HSTNTXCL	610 002-3006	\$ 53,167.95	1100 0768
HSTNTXGP	610 002- 3006	\$ 39,043.60	(Combined with HSTNTXCL)

Now that Southwestern Bell has received what MFS believes to be the total remaining, yet in above-cited instances still unbilled, payment for these newly-expanded inter-

Ms. Laura Boone - Southwestern Bell October 16, 1995 Page 2

connection arrangements, I request that you promptly proceed in providing to MFS the network interconnection that it so badly needs. Otherwise, MFS will continue to find itself in the position of not being able to meet its customers' service needs, a situation that has already presented a potentially-significant impact to MFS as it would any small competitor.

I request that you ensure that MFS' account status is not negatively affected, and that our ability to provide additional services to our customers through collocation is not further hindered, in the event that these payments differ from the amounts that Southwestern Bell ultimately bills. Of course, MFS expects a prompt refund if the amounts that it is submitting today exceed those that Southwestern Bell ultimately bills.

As I believe is obvious, the submission of these checks does not constitute and should not be construed as an admission that the rates established in Southwestern Bell's tariffs are lawful or reasonable. Moreover, MFS does not prejudice its right to contest rates, terms or conditions of the tariff before the Federal Communications Commission or any other appropriate regulatory body or court of law. Also, please note that the information contained in this letter and its attachments is highly confidential information relating to our network and, therefore, should not be used by Southwestern Bell for any purpose other than to implement the required service.

Please direct any questions to me at the above number. Thank you for any assistance that you can provide in meeting my requests.

Senior Director - Collocation/Unbundled Loops

Attachments

cc: Hope Harbeck - Southwestern Bell Mickey Morgan - MFS Chris Melinowski - MFS Mark Eastman - MFS Dick Davis - MFS



October 20, 1995

VIA OVERNIGHT DELIVERY

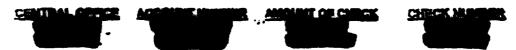
Ms. Laura Boone - Dallas ICSC Southwestern Bell Telephone One Bell Plaza, Room 2900 Dallas, TX 75202

Re: Additional Pre-Billing Payments

Deer Laura:

Please consider this letter to be an adjunct to my letter to you dated October 16, 1986 (copy attached). In that letter, I cited substantial concerns about the impact to MFS that results from Southwestern Bell's approach of requiring full payment before SWB activates interconnection circuits that MFS needs in order to provide services to its customers, even though SWB has not even issued bills for many of those interconnection arrangements, and even though SWB routinely provides services to its customers prior to the completion of its own billing cycles and the subsequent submission by its customers of their payments.

MFS retterates its concerns in this letter. And, once again, MFS is submitting payments to Southwestern Bell prior to MFS' receipt of Southwestern Bell bills. These prior-to-billing payments are being submitted to SWB at this time in an effort to avoid the problem that MFS excountered again last week when Southwestern Bell refused to activate MFS' interconnection circuits. Following are the amounts that MFS believes are required in order for it to receive connectivity to Southwestern Bell's ubiquitous networks.



Now that Southwestern Bell has received what MFS believes to be the total remaining, yet in above-cited instances still unbilled, payment for these newly-expanded inter-connection arrangements, I request that you ensure that MFS can quickly obtain the network interconnection that it needs in order to provide services to its customers.

I request that you ensure that MFS' account status is not negatively affected, and that our ability to provide additional services to our customers through collocation is not further hindered, in the event that these payments differ from the amounts that Southwestern Bell ultimately bills. Of course, MFS expects a prompt refund if the amounts that it is submitting today exceed those that Southwestern Bell ultimately bills.

Ms. Laura Boone - Southwestern Bell October 20, 1995 Page 2

As is clear, the submission of these checks does not constitute and should not be construed as an admission that the rates established in Southwestern Bell's tariffs are lawful or reasonable. Moreover, MFS does not projudice its right to contest rates, terms or conditions of the tariff before the Federal Communications Commission or any other appropriate regulatory body or court of law. Also, please note that the information contained in this letter and its attachments is highly confidential information relating to our network and, therefore, should not be used by Southwestern Bell for any purpose other than to implement the required service.

Please direct any questions to me at the above number. Thank you for any assistance that you can provide in meeting my requests.

Senior Director - Collocation/Unbundled Loops

Attachments

Civis Malinoweid - MFS
Dick Davis - MFS

Southwestern Bell Telephone

May 22, 1995

Regional Sales

سافيات ال

Hope Harbeck Account Manager -Regional Sales Mr. Bob McCausland
Director-Marketing, Carrier Services
MFS Telecom, Inc.
One Tower Lane, Suite 1600
Oakbrook Terrace, IL 60181

Dear Bob:

This is in response to your letter of May 16, 1995 regarding collocation implementation status.

The completion date for the CO collocation is weeks after receipt of the firm order from MFS (). The week interval was provided in my original price quote dated (). As you know SWBT had no space in our existing manhole at that wire center and planned to create a new handhole. SWBT decided to build a new manhole instead. It will be south of the central office, right on and will be (). MFS will need to have its fiber cable at the SWBT manhole around (), the target completion date. This has been discussed by Mickey Morgan, MFS St. Louis, Robert Frost, SWBT OSP engineer and me. Robert can be reached on (). I had not yet provided you with that date because I was waiting until SWBT bid the job and knew when it was expected to complete. The central office equipment installation complete for that job should be around (). Therefore SWBT operations people will be contacting MFS personnel shortly after that date to perform joint system testing.

As a reminder SWBT Tariff FCC No. 73 paragraph 25.5.2 (A) states the following: "Fifty percent of the quotation for the nonrecurring charges, applicable to the Expanded Interconnection request, must be paid by the interconnector prior to the start of installation. The remaining fifty percent is due upon completion of the Expanded Interconnection request. The Telephone Company will not complete any orders for interconnection cross connects until the Telephone Company is in receipt of the remaining fifty percent of the nonrecurring charges for installation." Since you have said that you have an urgent need to obtain service at that site, you may pay the remaining 50% of your nonrecurring charges prior to waiting for it to be billed to you. SWBT will provide you with a final bill if any discrepancies exist between your payment and actual expenditures.

One Bell Plaza Room 0551.06 208 S. Akard Dallas, Texas 75202

The second paragraph of your letter indicates that you have not received written transition procedures from SWBT. SWBT's "transition procedures" are the same as they have been since our virtual collocation tariff was filed. Specifically, if an interconnector wants virtual collocation, whether due to the expiration of the physical collocation tariff or otherwise, the interconnector must submit a virtual collocation application just as it would for a new virtual collocation. As you know, this is what MFS has done. SWBT has no plans to adopt a plan similiar or identical to that employed by Ameritech, Sprint/Centel, or Bellsouth. SWBT is currently installing the equipment requested in MFS virtual collocation applications. As you know we are working with your local people and will be providing them with a letter containing APOT info, a matrix to be filled out instead of ASR's, and answering questions on applicable charges, etc.

If you have any questions on this matter, please feel free to call me.

Sincerely,

CC: Tom Bush - MFS STL

Hose E Harbell

Chris Malinowski - MFS DALLAS

Dick Davis - MFS HOUSTON

May 16, 1995



ONE TOWER LANE, SUITE 1800 OAKBROOK TEARACE, ILLINOIS E0181 TEL (708) 218-7320 FAX (708) 218-0343

VIA FAX

Ms. Hope Harbeck - Account Manager Southwestern Bell One Bell Plaza, Room 0551.06 Dallas, TX 75202

Re: Collocation Implementation Status

Dear Hope:

As a follow-up item to our discussion last week, I am seeking the current implementation status of the CO handhole buildout and the approximate service activation date for that site based on the most current information. We have an urgent need to obtain service at that site. Would you please forward to me a note reflecting the information that I cite above and indicating if there is something that MFS' people can do to facilitate that implementation?

Also, I have become concerned about the status of the physical-to-virtual collocation transitions that Southwestern Bell is requiring. We are now less than one month from the originally-scheduled conversion deadline and we still have not received definitive written transition procedures from Southwestern Bell. Although I am hopeful that Southwestern Bell will agree to adopt a transition plan similar or identical to that effectively employed by Ameritech, Sprint/Centel or BellSouth, I still feel compelled to seek an assurance that MFS is doing everything that It must to preserve the interconnectivity that it needs in order to provide service to its customers. Would you please notify me of where we currently stand with the transition process and provide guidance?

I may be reached on (708) 218-7343. Faxes may be sent to (708) 218-0018. Thank you for your assistance.

Director - Marketing, Carrier Services

Bos M Candand

cc: Tom Bush - MFS
Dick Davis - MFS
Chris Malinoswki - MFS
Pam Hawkins - MFS